

Response to July 6, 2005, Office Action
Atty Dkt No. 01-0159-CIP-2
Application No. 10/759,562

REMARKS

In the Office Action under reply, claims 1-29 are pending. Claims 25-27 and 29 have been indicated as withdrawn from consideration. Claims 1 and 28 have been rejected under 35 U.S.C. §112, first paragraph, as lacking enabling disclosure. Applicants note with appreciation the Examiner's indication that the subject matter of claims 2-24 is allowable.

In the present amendment, claims 1 and 14 have been amended and claim 2 has been cancelled. Thus, claims 1 and 3-29 remain pending in the application with claims 25-27 and 29 standing withdrawn. The Examiner's rejections and objections are addressed in full by the above-amendments.

THE AMENDMENTS TO THE CLAIMS

Claim 1 has been amended to specify the V is -N< and that T is oxygen or sulfur.

Claim 2 has been cancelled as redundant. Cancellation of this claim is without prejudice, without intent to acquiesce in any rejection or record and without intent to abandon any previously claimed subject matter.

Claim 14 has been amended to remove the duplicative recitation of two compounds. No new matter has been added and entry of the above amendment is in order.

REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Examiner has rejected claims 1 and 28 under 35 U.S.C. §112, first paragraph, based on an allegedly lack of enabling disclosure specifically referencing a lack of enablement for those compounds wherein V is CH= or NHCH=. While not necessarily agreeing with the Examiner's position and in the interest of expediting prosecution, Applicants have amended claim 1 to specify that V is -N<, a substituent that has been clearly indicated by

Response to July 6, 2005, Office Action
Atty Dkt No. 01-0159-CIP-2
Application No. 10/759,562

the Examiner as enabled. Given this amendment, Applicants submit that the rejection is now moot and respectfully request that it be withdrawn.

THE OBJECTION TO THE CLAIMS

The Examiner has indicated that claims 2-24 are objected to, but would be allowable if rewritten in independent form. Applicants respectfully submit that the above amendments and accompanying remarks render the claim objections moot, and all claims, including claims 25-27 and 29, are now in a condition for allowance.

CONCLUSION

For the foregoing reasons, Applicants submit that the claims are in condition for allowance. A Notice of Allowance is requested, and a prompt mailing thereof would be much appreciated.

Should the Examiner have any questions, he is invited to contact the undersigned attorney at (650) 384-8755.

Respectfully submitted,

Date:

8/27/05

By:

Elin Hartum
Reg. No. 43,663

CV Therapeutics, Inc.
3172 Porter Drive
Palo Alto, CA 94304
Phone: (650) 384-8755
Fax: (650) 475-0359

S:\LEGAL\CVT\Patent\Docs\01-0159\CIP 2\Resp to 7-6-05 OA.doc